

REMARKS

In the Office Action of July 31, 2002, Claims 1, 3, 4, 7, 9, 10 and 12 - 15 were rejected. Claim 5 was objected to. No claim was allowed. In response, Claims 3, 4 and 9 are canceled. Claims 1, 5, 7, 10, 12 and 15 are amended. Reexamination and reconsideration are respectfully requested in view of the foregoing amendments and the following remarks.

Rejection of Claims 1, 3, 4, 7, 9, 13 and 14 under 35 U.S.C. §112, first paragraph

Claims 1, 3, 4, 7, 9, 13 and 14 were rejected under 35 U.S.C. §112, first paragraph, as allegedly containing subject matter not described in the specification. In particular, the Examiner alleges that the specification fails to teach the full scope of a partial ester of polyols with C6 - C12 fatty acids and that the inclusion of this limitation is new matter. The Examiner states that only a C8 - C10 with a specific polyglycerol mixture is taught.

In response, independent Claims 1 and 7 are amended to specify that the fatty acid is C8 - C10 and to limit the polyol to a polyol selected from the group consisting of glycerol and polyglycerols. Dependent Claims 3, 4 and 9, which originally contained these limitations, are canceled. As indicated by the Examiner, partial esters of glycerol and polyglycerols with C8 - C10 fatty acids are supported by the specification.

Accordingly, it is respectfully submitted that the rejection of Claims 1, 7, 13 and 14 under 35 U.S.C. §112, first paragraph, is thereby overcome.

Rejection of Claims 9, 10, 12 and 15 under 35 U.S.C. §112, second paragraph

Claims 9, 10, 12 and 15 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

In particular, the Examiner alleges that Claims 9, 10 and 15 depend from canceled Claim 8. In response, Claim 9 is canceled and Claims 10 and 15 are amended to depend from Claim 7.

The Examiner alleges that Claims 12 and 15 are indefinite for the recitation of "preferably 31% diglycerol". In response, the term "preferably" is deleted from these claims.

Accordingly, it is respectfully submitted that all of the rejections of Claims 10, 12 and 15 under 35 U.S.C. §112, second paragraph, are overcome.

Objection to Claim 5

The Examiner objected to Claim 5 as being dependent upon a rejected base claim. The Examiner stated that Claim 5 would be allowable if rewritten in independent form. In response, the rejected base Claim 1 has been amended to overcome the outstanding rejection, as discussed above. Accordingly, dependent Claim 5 is now allowable.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that Claims 1, 5, 7, 10, 12 - 15 are in condition for allowance. Favorable reconsideration is respectfully requested.

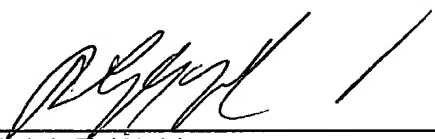
Should the Examiner believe that anything further is necessary to place this application in condition for allowance, the Examiner is requested to contact applicants' undersigned attorney at the telephone number listed below.

Kindly charge any additional fees due, or credit overpayment of fees, to Deposit
Account No. 01-2135 (612.38836X00).

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

By



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Attachment: Marked-up Copy To Show Changes Made

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MARKED UP COPY TO SHOW CHANGES MADE

IN THE CLAIMS:

1. (Twice amended) A method for drilling or intervening in a well passing through a porous, permeable formation in which a water-based well fluid is circulating in said well, comprising adding to said fluid a maximum of 1 g/l of a composition comprising at least one compound selected from the group consisting of partial esters of ~~polyols~~ at least one polyol selected from the group consisting of glycerol and polyglycerols with ~~C6—C12 fatty acids~~ at least one C8 - C10 fatty acid, with the chain lengths of the acid and polyol parts being chosen such that said partial ester has sufficient dispersion in water, compatibility with any other ingredients, does not form an emulsion with the reservoir oil, and adsorbs sufficiently on the porous formation.

5. (Twice amended) A method according to Claim 4 1, wherein said polyglycerol has between 24 and 30% glycerol, between 28 and 34% diglycerol, between 20 and 26% triglycerol, between 9 and 15% tetraglycerol, and between 4 and 10% pentaglycerol.

7. (Twice amended) A water-based well fluid for use in a method according to claim 1 comprising a maximum of 1 g/l of a composition comprising at least one compound selected from the group consisting of the partial esters of ~~polyols~~ at least one polyol selected from the group consisting of glycerol and polyglycerols with ~~C6—C12 fatty acids~~ at least one C8 - C10 fatty acid, with the chain lengths of the acid and polyol

parts being chosen such that said partial ester has sufficient dispersion in water, compatibility with any other ingredients, does not form an emulsion with the reservoir oil, and adsorbs sufficiently on the porous formation.

10. (Twice amended) A fluid according to Claim 9 7, wherein said polyglycerol has between 24 and 30% glycerol, between 28 and 34% diglycerol, between 20 and 26% triglycerol, between 9 and 15% tetraglycerol and between 4 and 10% pentaglycerol.

12. (Amended) A method according to Claim 5, wherein said polyglycerol has 27% glycerol, ~~preferably~~ 31% diglycerol, 23% triglycerol, 12% tetraglycerol and 7% pentaglycerol.

15. (Amended) A fluid according to Claim 9 7, wherein said polyglycerol has 27% glycerol, ~~preferably~~ 31% diglycerol, 23% triglycerol, 12% tetraglycerol and 7% pentaglycerol.